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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ROBERT LEBRON,

Plaintiff,

- against -

CAPTAIN CARIELLO, et al.,

Defendants.
-----X

07 Civ. 5539 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for defendants, on behalf of the parties, having notified the Court, by letter dated March 17, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within sixty (60) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the


plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated as set forth above and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
18 March 2008



VICTOR MARRERO
U.S.D.J.



MICHAEL A. CARDOZO
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THE CITY OF NEW YORK
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March 17, 2008

BY HAND

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street, Room 660
New York, NY 10007

Re: Robert Lebron v. Capt. Cariello, et. al.,
07 Civ. 5539 (VM) (MHD)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants Cariello and O'Connell (hereinafter "City defendants"), in the above matter. In that capacity, I write to inform the Court that the plaintiff and City defendants have reached an agreement in principle to settle this matter. Accordingly, I will forward the requisite documents to plaintiff *pro se* for execution. As soon as the papers are fully executed, I will duly submit the Stipulation and Order of Settlement and Discontinuance for the Court's endorsement.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

Morgan Kunz
Assistant Corporation Counsel

cc: Hon. Michael H. Dolinger, United States Magistrate Judge (By Hand)

Robert Lebron, plaintiff *pro se*
#05-A-3953
Southport Correctional Facility
P.O. Box 2000
Pine City, NY 14871 (By First Class Mail)